

**DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Huckleberry Patch Special Interest Area
Forest Plan Amendment
Environmental Assessment**

USDA Forest Service
Umpqua and Rogue River-Siskiyou National Forests
Tiller and Prospect Ranger Districts
Douglas and Jackson Counties, Oregon

Decision

The Huckleberry Patch Special Interest Area (SIA) Forest Plan Amendment Project Environmental Assessment (EA) (further referred to as the Huckleberry Patch SIA EA) documents a no-action alternative and 1 action alternative that proposes to amend the 1990 Umpqua National Forest and Rogue River National Forest Plans to adequately protect the cultural and traditional values of the Huckleberry Patch area, located on the Tiller Ranger District (RD), Umpqua National Forest (NF), and on the Prospect RD, Rogue River-Siskiyou NF. The purpose and need for the proposed action is described in detail in Chapter 1 (EA page 5) and in summary, is to adequately protect the cultural, traditional and historical values of the 9,497-acre Huckleberry Patch area, located on the Tiller Ranger District (RD), Umpqua National Forest (NF), and on the Prospect RD, Rogue River-Siskiyou NF.

We have decided to implement Alternative 2, as described in Chapter II of the EA (pages 15-20). Our decision results in a non-significant amendment to the 1990 Umpqua and 1990 Rogue River National Forest Land and Resource Management Plans. Our decision to implement Alternative 2 is based on information contained in the administrative record, including the EA, Appendix A (response to public comments), the scoping summary, and the effects analysis described in Chapter III of the EA (pages 21-40). Alternative 2 is explained in detail on pages 15-19 of the EA and is summarized here.

The 9,497-acre proposed Huckleberry Patch SIA lies along the crest of the Western Cascade geologic province. It follows a ridge system that forms the divide between the North Fork of the Rogue River and the South Fork of the Umpqua River. The area includes the headwaters of Elk Creek and other small tributaries of the Rogue River to the South of the divide and, to the North, the Jackson Creek watershed. The Huckleberry Patch is located on the Prospect Ranger District of the Rogue River-Siskiyou National Forest and the Tiller Ranger District of the Umpqua National Forest (Figure 1). It includes all or portions of T30S, R2E, Sec 22,26-29,31-35; T31S, R2E, Sec 3-10; T31S, R1E, Sec 1-3, 10-15, Willamette Meridian, in both Douglas and Jackson Counties, Oregon.

Tiller Ranger District is located in southwestern Oregon in the southeast corner of Douglas County. The District is on the western slope of the Cascade Range and is

mostly within the South Umpqua River basin, designated as a Tier 1 Key watershed within the South Umpqua River drainage, Umpqua River basin. The Prospect Ranger District is located in the northeast corner of Jackson County in the Rogue River basin, and includes the headwaters of Elk Creek and the Upper Rogue subwatersheds. The Umpqua and Rogue River National Forest Land and Resource Management Plans (LRMPs), as amended, are the principle policies under which this action was developed. An analysis of the proposal was conducted in accordance with the National Environmental Policy Act (NEPA) and the implementing regulations of 40 CFR 1500.

Summary of Alternative 2

Alternative 2 amends both the 1990 Umpqua and 1990 Rogue River LRMP's. All current land uses would be maintained. No changes are proposed to the Late Successional Reserve (LSR), Riparian Reserve, or Matrix Land Allocations established by the Northwest Forest Plan or their associated Standards and Guidelines.

To summarize Alternative 2, for the Rogue River LRMP, additional language would be added to Chapter 4, under Recreation and Timber, that would: designate 4,714 acres on the Rogue River side of the divide as a Special Interest Area, and include its acreage in SIA calculations and descriptions; encourage management activities that would benefit the recognition of the cultural, historic, and traditional values, as well as encourage production of huckleberries; require appropriate tribal consultation for projects on the Forest; address activities that may occur within the SIA; and clarify direction for overlapping management strategies and allocations.

For the Umpqua LRMP, additional language would be added throughout Chapter IV of the LRMP that would designate 4,783 acres on the Umpqua side of the divide as a Special Interest Area, and include its acreage in SIA calculations and descriptions; encourage management activities that would benefit the recognition of the cultural, historic, and traditional values, as well as encourage production of huckleberries; require appropriate tribal consultation for projects on the Forest; clarify direction for overlapping management areas and allocations; address activities that may occur within the SIA; and clarify that other Forest Plan objectives and land allocations, such as those associated with Late Successional Reserves, must also be met and followed.

Best Management Practices, Management Requirements, Mitigation Measures, and Monitoring

Since there are no ground disturbing activities proposed with the Alternative 2, there would be no Best Management Practices, Mitigation Measures, Management Requirements or Monitoring required. Future projects that may occur will be subject to environmental analysis under the National Environmental Policy Act (NEPA) and any potential mitigation or monitoring will be disclosed during that analysis.

Decision Rationale

We have decided to implement Alternative 2 because it fully addresses the purpose and need for action. Alternative 2 establishes a Special Interest Area on both Forests and results in adequate protection and recognition of the cultural, traditional, and historical values of the area known as the Huckleberry Patch. The existing LRMP land allocations (MS 1, 15, 17, 19, 20, 21, and 26 for the Rogue and MA 1 and 10 for the Umpqua), do

not adequately recognize the importance of the area, nor do they move forward in enhancing the cultural and traditional importance of the area to the Tribes. The area has long been used by both the Cow Creek Tribe and by local families; implementing Alternative 2 will allow both Forest's to manage the area for its historical importance. By amending the Plans and overlaying an SIA designation onto the area, a future management 'strategy' will be written jointly by both Forests; this 'strategy,' which is an intermediate level of analysis, would create a series of recommendations (similar to watershed analysis) on management activities designed to benefit the Huckleberry Patch SIA. This proposal to amend the Forest Plan's is an important first step in establishing a partnership between the two Forests and those interested in management of the Huckleberry Patch.

No significant issues were raised during scoping; therefore, no alternatives to the proposed action that would meet the purpose and need were generated. Several non-significant issues were raised and are detailed on page 11 of the EA; these non-significant issues were considered to be outside the scope of the project or were already decided by law. The EA also identified several non-issues, which are described on pages 11-13 of the EA. Many of these non-issues and how we responded to them are detailed in the following two paragraphs.

During both scoping and the 45-day comment period one member of the public expressed concern over how the SIA designation would impact the LSR. Nothing in our decision changes the LSR land allocation or the Standards and Guidelines associated with the LSR. Any future projects would be designed to comply with the LSR Standards and Guidelines. This SIA designation formally establishes an area which we consider to be worthy of special recognition and that meets the criteria for a Special Interest Area (EA page 1). We believe that management of the LSR and the Huckleberry Patch SIA are complementary and enhancement of the values associated with the Huckleberry Patch SIA can be achieved.

During scoping and the 45-day comment period, several members of the public expressed a concern that the SIA designation would deem the area "off limits" to anyone but members of the Cow Creek Tribe. During scoping, we listened to these concerns and refined our proposal to recognize the historical importance of the area to current users. In our response to comments (Appendix A), we considered these comments and again stated our intention to continue managing the land. We want to assure those interested in the area that there will be no restrictions to access with this SIA designation. With implementation of this decision, the area remains under Forest Service jurisdiction and all applicable laws, policies, and regulations apply to its management.

Other Alternatives Considered

Chapter 2 of the EA includes a description of the other alternative considered in detail. The following briefly summarizes that alternative and explains why it was not selected.

Alternative 1: Under this no-action alternative, no amendments would be made to the Umpqua National Forest LRMP or the Rogue River National Forest LRMP under the No Action alternative. The Huckleberry Patch area would retain all current land allocations. No designation of the land considered important to the Tribes (the Huckleberry Patch)

would occur. Future management projects would comply with current land allocation direction (EA page 15).

This alternative was not selected because it would not meet the need for action. Specifically, Alternative 1 was not selected because it would not provide a framework for preparing a specific management 'strategy' to guide future management activities that would benefit the traditional cultural values or that would benefit the production of huckleberries, which is desired in order to enhance the cultural, historical, and traditional values associated with the Huckleberry Patch (EA pages 36-37).

In addition, as documented in Chapter 3 of the EA, selection of Alternative 1 would not lead to a management 'strategy' that would propose activities designed to benefit huckleberries (EA page 24). Without disturbance, many of the huckleberry plants would eventually produce fewer berries; in addition, fewer patches of huckleberry plants would be maintained (EA page 24). We believe that the area needs active management by both Forests in order to maintain and enhance the values associated with the Huckleberry Patch. The SIA designations provide a framework and context for us to establish a joint management 'strategy' that we believe is important for this area.

Alternatives Considered, but Eliminated from Detailed Study

In response to scoping, an alternative was considered that would expand the SIA boundary to include the entire Rogue-Umpqua Divide and extend into the Mount Bailey area. The non-significant issue raised by a member of the public led to an alternative that was eliminated from detailed study because it is beyond the cultural scope of this project to extend the boundary of the SIA just for the sake of including more areas where huckleberries grow. The area is proposed for SIA designation predominantly to recognize and protect the cultural, traditional and historical values of the Huckleberry Patch area, not simply to propagate more huckleberries. As a defined area, the Huckleberry Patch is recognized as an eligible Traditional Cultural Property. Extending the boundary simply to include more huckleberries goes beyond the need of the project, and is therefore outside the scope of the cultural project; therefore, this alternative was eliminated from detailed study.

Public Participation and Scoping

Scoping was conducted as part of the analysis process. Public involvement for the Huckleberry Patch Special Interest Area (SIA) Project began when the project was listed in the April 2005 Schedule of Proposed Actions (SOPA) and with the publication of the legal notice announcing scoping in the April 27th, 2005 Roseburg News-Review and the April 28th, 2005 Medford Mail Tribune. A scoping notice describing the project was sent out on April 20th, 2005 to approximately 140 people and to the Tribes (Cow Creek Band of Umpqua Indians, Confederated Tribe of the Grand Ronde Indians, and the Confederated Tribe of the Siletz Indians). In response to the scoping notices, twenty-four letters, emails, or other comments were received.

Two open houses were held to introduce the project and a field trip to the Huckleberry Patch was held to further address any issues people might have with the project. An additional field trip to the area was held with tribal members and Forest Service personnel at the request of the Confederated Tribe of the Siletz on August 17, 2005.

Scoping concerns from the public ranged from their belief that the project would result in turning over management of the area to a special interest group; singling out a group for recognition during land management; and fears that creating a special interest area would eliminate ongoing and future uses by members of the public who do not belong to the Tribe. One person expressed an interest in expanding the SIA boundary to other areas that are also known to produce huckleberries. A summary of all scoping comments received is located in the Analysis File and is incorporated by reference.

The legal notice for comment was published in the Roseburg News-Review and the Medford Mail Tribune on October 14, 2005; the 45-day comment period ended on November 28th, 2005. In total, twenty-one comments were received. We have thoroughly read and considered all comments and responded to those comments in Appendix A. We received comments that both supported the project and that did not support the project because of a perception that access to the area would be limited. We again want to assure those interested in the area that all management authority is retained by the Forest Service.

Finding of Forest Plan Consistency and Finding of LRMP Non-Significance

Standards and Guidelines

This decision tiers to the 1990 Umpqua and Rogue River National Forest Land and Resource Management Plan Final Environmental Impact Statements. We have ensured that the decision is consistent with the Forest Plans' goals, objectives, and standards. This project is administrative in nature and does not propose ground disturbing activities; all Standards and Guidelines related to the Northwest Forest Plan, including those for Survey and Manage Species were adhered to and the project is consistent with those Standards and Guidelines. Alternative 2 is fully consistent with all other applicable standards and guidelines, as amended by this project; we are authorizing this non-significant forest plan amendment to designate the area as an SIA and to amend both Forest Plans to address management of the SIA, as described in the EA. The finding of non-significance is described below.

Forest Plan Amendment

FSH 1909.12, Section 5.32, outlines the factors to be used to determine whether a proposed change to the LRMP is significant or not significant, based on National Forest Management Act requirements. A discussion of each of these four factors follows and is detailed on pages 21-22 of the EA.

1. **Timing.** Determine whether the change is necessary during or after the plan period. In most cases, the later the change, the less likely it is to be significant for the forest plan. The proposed amendment is necessary now in order to adequately protect the cultural, traditional and historical values of the 9,461-acre Huckleberry Patch area and would occur at the end of the current plan period for both Forest Plans. Therefore, timing is not considered to be a significant factor related to the amendment.

2. **Location and Size.** Define the relationship of the affected area to the overall planning area. In most cases, the smaller the area affected by the change, the less likely it is to be significant for the forest plan. The proposed amendment

would affect about 9,497 acres of National Forest System Land, split almost equally between the Rogue River National Forest (4,714 acres) and the Umpqua National Forest (4,783 acres). Given the acreage of these two Forests (about 1,690,000 acres), the proposal affects less than 1 percent (0.56%) of the land area. In addition, all current and ongoing uses would continue to occur. Therefore, the location and size of the area involved in the proposed amendment are not considered to be significant.

3. Goals, Objectives, and Outputs. Determine whether the change would alter long-term levels of goods and services projected by the forest plan. The proposed amendment would not change existing goals or outputs as defined by the Forest Plan and would not result in changes in the level of goods and services currently being produced, which are consistent with levels projected by the LRMP. Therefore, the goals, objectives, and outputs are not considered to be a significant factor related to the proposed amendment.

4. Management Prescription. Determine whether the change in a management prescription is only for a specific situation or whether it would apply to future decisions throughout the planning area. The proposed amendment would place 9,467 acres of National Forest System land into a different management area than currently exists. Management prescriptions that apply to this management area would change slightly to include specific activities that would be allowed within the Huckleberry Patch. Future projects would comply with this management area, along with all other laws, regulations, and policies. However, within the management area, the Huckleberry Patch would specifically allow continuance of existing activities and would encourage management for the benefit of huckleberry production, while complying with other direction. This change in management area direction is not substantially different than the activities that are currently occurring under the designation of Late Successional Reserve and Matrix. Timber goals for the area are currently based on the harvest that might occur on Matrix lands on the Prospect Ranger District (EA page 38) and would not be affected by this project. Therefore, the change in management prescription is not considered to be a significant factor related to the proposed amendment.

After consideration of these factors, we have concluded that the proposed amendment would not represent a significant change to the LRMPs.

Aquatic Conservation Strategy (ACS)

Based on the project level evaluation of the environmental effects documented in the EA (pages 34-35, 39), we find that the project is in keeping with the intent of the Aquatic Conservation Strategy (ACS) as clarified in the 2004 Record of Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy. The project is administrative in nature and creates no ground disturbing effects; therefore, this action is in compliance with Riparian Reserve Standards and Guidelines.

Watershed Analysis and Roads Analysis

We have considered the information contained in the 1995 Jackson Creek Watershed Analysis, the 1995 Elk Creek Watershed Analysis, and the 1996 Upper Rogue

Watershed Analysis. These intermediate analyses (intermediate between the Forest Plan and the site-specific EA) provided a foundation for the development of the proposed action by describing the importance of the Huckleberry Patch area to both the Tribe and the families that utilize the area.

Consistency with NFMA Requirements

We find this decision to be consistent with the 1982 and 2004 National Forest Management Act implementing regulations; specifically:

Silvicultural Practices

Alternative 2 is administrative in nature and does not propose timber harvest on lands classified as not suited for timber production during forest planning [36 CFR 219.27(c)(1) and 36 CFR 219.12(a)(1)].

Even-aged Management/Clearcutting

Alternative 2 is administrative in nature and does not propose even-aged management or clear cutting as specified in 36 CFR 219.27(d) and 16 USC 1604(k).

Vegetative Manipulation/Management Requirements

Alternative 2 is administrative in nature and is therefore consistent with the seven management requirements from 36 CFR 219.27 and the vegetation requirements from 36 CFR 219.27(b).

Maintaining Viable Populations of Fish and Wildlife Species

Alternative 2 is administrative in nature and is therefore consistent with the viable population requirements of 36 CFR 219.19 and sustainability requirements of 219.10.

Finding of No Significant Impact (FONSI)

Based on the documentation in the Huckleberry Patch SIA EA and Analysis File, we have determined the following with regard to the context of this project:

The Huckleberry Patch SIA Forest Plan Amendment Project implements direction set forth in the Umpqua and Rogue River National Forest Land and Resource Management Plans, as amended by the Northwest Forest Plan. The Umpqua National Forest is comprised of over 1 million acres; the Tillier Ranger District encompasses over 356,000 acres of the Forest. The proposed SIA is comprised of about 4,783 acres within the Tillier Ranger District. Alternative 2 will designate an SIA on just over 1% (1.34%) of the Tillier Ranger District, and less than 0.5% of the Umpqua National Forest. The Rogue River National Forest is comprised of about 690,000 acres; the Prospect Ranger District encompasses almost 246,000 acres of the Rogue River National Forest. The proposed SIA is comprised of about 4,714 acres within the Prospect Ranger District. Alternative 2 will designate an SIA on just under 2% (1.92%) of the Prospect Ranger District, and less than 0.7% of the Rogue River National Forest. Given the area affected by the project at both the District and Forest scale, we find that the effects of this administrative project are not significant as disclosed throughout Chapter 3 of the EA (pages 21-40), and will not have an effect at the District or Forest scale.

Based on the documentation in the Huckleberry Patch SIA EA and the Analysis File, we have determined the following with regards to the intensity of this project:

1. The Environmental Assessment provides sufficient information to determine that this administrative project will not have a significant impact (either adverse or beneficial) on the land and its natural resources, air quality, or water quality (EA pages 21-40).
2. Considering the remoteness of the project in relation to local and regional population centers, the administrative nature of the project, and the lack of effects on the Clean Water Act (EA pages 35 and 40) or Clean Air Act (EA pages 39-40), the likelihood of the project affecting the public's health and safety is low.
3. The supporting documentation located in the EA and in the Analysis File section of the Huckleberry Patch SIA EA provides sufficient information to determine that this project will not negatively affect any known unique characteristics of the geographic area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (EA pages 39-40).
4. The degree of controversy with regard to effects on the quality of the human environment are limited and considered not significant. Twenty-one comment letters were received during the 45-day comment period. Based on these comments and personal discussions we have had with members of the public since scoping, we find that there is only limited controversy, specifically controversy associated with designation of the SIA and access to the Huckleberry Patch area once it is designated as an SIA. Most of the comments received consisted of opinions as to maintaining access for all users; we have responded to those comments both in Appendix A and in this Decision Notice and have again stated that management of the area would be retained by the Forest Service. This is not scientific controversy and is a limited controversy that does not satisfy the threshold for the preparation of an Environmental Impact Statement (EIS).
5. The proposed designation of a Special Interest Area has occurred previously on the Umpqua and Rogue River National Forests during the development of the 1990 Forest Plans. No impacts to the human environment that are highly uncertain or involve unique or unknown risks have been identified in Chapter 3 of the analysis (EA pages 21-40).
6. The proposed designation of a Special Interest Area is an established practice codified in 36 CFR 294.1 and in the Forest Service Manual under 2361.14 and 2361.2 (EA page 1), and does not establish a precedent for future actions.
7. We have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Effects Section of the Huckleberry Patch SIA EA (EA page 21) and find that this action will not have a significant cumulative impact on the environment.
8. The Cultural Resources Report and the associated disclosure in the EA (pages 35-38) reveal that no prehistoric sites will be impacted by this administrative proposal. The project does result in a beneficial effect of recognizing the cultural, traditional, and historical values of the Huckleberry Patch while maintaining current and ongoing uses (EA page 37).
9. Based on the information disclosed in the Huckleberry Patch SIA EA (pages 24-26 and pages 27-35), the botanical biological evaluation and the wildlife biological

evaluation, we have determined that this action will not jeopardize any species listed or proposed for listing under the Endangered Species Act.

10. Laws imposed for the protection of the environment provided the framework for the 1990 Umpqua and Rogue River National Forest Land and Resource Management Plans (LRMPs), as amended. From the documentation provided in Chapter 3 of the Huckleberry Patch SIA Forest Plan Amendment Project EA, we find that the project activities do not threaten a violation of Federal, State, or local law imposed for the protection of the environment (EA page 40).

From the preceding, we find that the Huckleberry Patch SIA Forest Plan Amendment Project does not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary.

Implementation

We have reviewed the Huckleberry Patch SIA EA, and its associated analysis file. We feel there is adequate information within these documents to provide a reasoned choice of action. We are fully aware of the limited environmental effects that are disclosed in Chapter 3 of the EA (pages 21-40). We have determined that any effect will be outweighed by the long-term benefits of implementing Alternative 2. Implementing Alternative 2 will cause no unacceptable cumulative impact to any resource. There will be no impact to cultural resources, consumers, civil rights, minority groups, environmental justice, or women. There are no unusual energy requirements for implementing Alternative 2 (EA page 40).

Implementation of this decision shall not occur for 7 days following publication of the legal notice of decision with the newspapers of record, the Roseburg News-Review and the Medford Mail Tribune.

Procedure for Changes during Implementation

Selection of Alternative 2 results in both Forest Plans being amended as proposed. Following SIA designation, the Forests will work together to develop a joint management strategy for the SIA. Any future projects that would occur will be subject to analysis and documentation through the National Environmental Policy Act (NEPA) and will comply with all current and applicable laws, policies, and regulations.

Administrative Review

Our decision is subject to administrative appeal in accordance with 36 CFR 217. Only those individuals or organizations who submitted substantive comments during the comment period (similar to the requirements under 36 CFR 215.13), may appeal under 36 CFR 217. The 45-day appeal period begins the day following publication of this decision in the Roseburg News-Review and the Medford Mail Tribune, the newspapers of record. The Notice of Appeal must be filed with the Appeal Deciding Officer:

Linda Goodman
Regional Forester, USDA Forest Service Region 6
Attn. 1570 Appeals
PO Box 3623
Portland, OR 97208-3623
Business Hours: 8:00 am – 5:00 pm, Monday through Friday, except for legal holidays.
Fax: 503-808-2255; Email: appeals-pacificnorthwest-regional-office@fs.fed.us

It is the responsibility of those who appeal our decision to provide the Regional Forester sufficient written evidence and rationale to show why our decision should be changed or reversed. The appeal notice must be in writing clearly stating that it is a Notice of Appeal being filed pursuant to 36 CFR 217. Complete instructions for appellants are given at 36 CFR 217.9. At a minimum, a written notice of appeal filed with the Appeal Deciding Officer must:

1. State that the document is a Notice of Appeal filed pursuant to 36 CFR part 217;
2. List the name, address, and telephone number of the appellant;
3. Identify the decision about which the requester objects;
4. Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Deciding Officers;
5. Identify specifically that portion of the decision or decision document to which the requester objects;
6. State the reasons for objecting, including issues of fact, law, regulation, or policy, and if applicable, specifically how the decision violates law, regulation or policy; and
7. Identify the specific change(s) in the decision that the appellant seeks.

Contact Person

For additional information concerning the specific activities authorized with our decision, you may contact:

Debbie Anderson
Huckleberry Patch SIA Interdisciplinary Team Leader,
Forest Environmental Coordinator, Umpqua National Forest
2900 NW Stewart Parkway
Roseburg, OR. 97470
541-957-3466, Business Hours: 7:45am-4:30pm
Fax: 541-957-3495; Email: danderson01@fs.fed.us


JAMES A. CAPLAN
Forest Supervisor
Umpqua National Forest


Date Signed

1/24/06
Date Published


SCOTT CONROY
Forest Supervisor
Rogue River-Siskiyou National Forest

1/9/06
Date Signed

1/24/06
Date Published